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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/811,772	03/07/97	MCKENZIE	M MCK-1

JAMES AND FRANKLIN  
60 EAST 42ND STREET  
SUITE 1217  
NEW YORK NY 10165

PM31/1109

EXAMINER	
TRAN, K 7	
ART. UNIT	PAPER NUMBER
3634	
DATE MAILED: 11/09/98	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

# **Commissioner of Patents and Trademarks**

• 1999-2000

### Attachment styles

- Notice of Performance Charter (PTO 114)
- Information Disclosure Statement (PTO 114) Form 10-K
- Interim Summary (Form 10-Q)
- Notice of Delisting from a Reporting Exchange (Form 10-E)
- Notice of Intergalactic Transfer (Form PTO 114)

<b>Office Action Summary</b>	Application No. <b>08/811,772</b>	Applicant(s) <b>MARTHA MCKENZIE</b>
	Examiner <b>Khoa Tran</b>	Group Art Unit <b>3634</b>

Responsive to communication(s) filed on Aug 31, 1998

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 16-27 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 16-27 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on May 18, 1998 is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Claim Objections***

In claim 16, line 1, “one or more” should be changed to --at least one--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 20 and 22-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 20, there is no antecedent basis for “said third rods”, line 3. Regarding claim 22, there is no antecedent basis for “said frame”, line 3. Claim 24 depends on itself. For this Ofice action only, claim 24 will be presumed depend from claim 22.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-27 are rejected under 35 U.S.C. 103(a) as being unpatentable Shafto in view of Zizinia. Shafto discloses a holder for hangers comprising first and second rods (12) extending in a plane from base (10) and connected by an arcuate section (note that the arcuate corners and

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connecting rod constitutes the arcuate section), a third rod (14) extending from the base (10), and connected to the first and second rods at the arcuate section, and means for mounting (the base surface corners), see Figure 1. Zizinia teaches a holder having first and second support rods (d) extending in a plane from spaced points on a rectangular base (e); the rods having an upward curved portion being inclined relative to a plane perpendicular to the base so as to prevent accidental dislodgement of a hanger. It would have been obvious to one of ordinary skill in the art to provide the arcuate section of Shafto at an incline as taught by Zizinia in order to prevent hangers from accidentally falling of the holder.

***Response to Arguments***

Applicant's arguments with respect to claims 16-27 have been considered but are moot in view of the new ground(s) of rejection.

The new grounds of rejection were necessitated by applicant's amendment, e.g., "being connected by an arcuate section... to said arcuate section", claim 16, lines 3-6.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Friday from 8:00 A.M. to 5:00 P.M. The fax phone number for this Group is (703) 305-3598 or 305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.



Khoa Tran

November 02, 1998

Daniel P. Stodola  
Supervisory Patent Examiner  
Group 3600